



MAINE BOARD of LICENSURE for PROFESSIONAL FORESTERS NEWSLETTER



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FORESTER LICENSING LAW AMENDMENT PENDING

On April 12, 2001, a public hearing was held before the Legislature's Joint Standing Committee on Business and Economic Development on L.D. 1737 "An Act to Amend the Forester Licensing Law". The hearing was held at the Burton Cross Building in Augusta. The primary purpose of the bill was to clarify, update and organize the existing Forester Licensing Law. There have been some inconsistencies between the statute and Board rules for some time which needed to be cleared up. The licensing law was first enacted in 1975 and has been amended numerous times previously.

Board Chair, Carol Redelsheimer, and Carol Leighton, Administrator for the Board of Licensure of Professional Foresters, both testified in favor of the bill on behalf of the Foresters Board. Carol Leighton offered an amendment to the bill to clarify that the Board could not set forest practice standards. Forester Morton Moesswilde also testified in favor of the bill, on his own time and on his own behalf.

Forester, and former board member, Steve Coleman testified against the law while licensees Lynn Wilson and Doug Denico both testified

neither for nor against the bill. The latter three testimonies had similar concerns -- specifically, the Board setting standards of practice which could become or be construed as forest practice regulations. Other concerns raised in the testimonies were internship/sponsor work plans, unlicensed practice, education, registration and exam requirements.

A legislative worksession followed the formal hearing the same day. In the worksession, the committee members discussed among themselves the testimony that was given and sought clarification on several points.

The committee was unable to come to conclusion on the hearing and asked the Licensing Board for more information in 4 general areas: the need for a formal forestry education for licensing; exempting foresters with experience from outside of Maine from the examination requirement; the intent of the work plan required of a sponsor who has an intern working for him; and, preventing standards of practice by the Board from becoming forest practice regulations.

A second worksession was held on April 25, 2001. The Board re-

sponded to the above four points. Support for forestry education came from Deam Wiersma of UMO, Conservation Commissioner Ron Lovaglio and the Maine Forest Service. The Board also made allowance for a variance, on a case by case basis, for those who may not be able to get a formal forestry education. To make it easier for experienced foresters coming to Maine to become licensed, the Board will actively attempt to initiate licensing reciprocity with other states. This may eliminate the exam requirement for experienced foresters. The Board also scrapped the required work plan between sponsor and intern. The concerns for standards of practice becoming forest practice regulations were addressed by inserting specific language in the bill that says the Board may not adopt rules that govern forest practices.

Both chambers passed the Act to Amend the Forester Licensing Law. Governor King is expected to sign the bill to law. Changes will go into effect 90 days after the bill is signed.

The next step for the board will be rule making. Some of the new Board rules will have to be approved by the Legislature.

Expired Licenses 2001

All licensees were sent renewal information and forms in November 2000. The completed forms had to be returned to the Licensing Board by December 31, 2000 with the renewal fee. No one is supposed to practice after that date without a current license. Licenses could still be renewed as late as March 31, 2001 with a \$10.00 late fee in addition to the regular renewal fee.

The following people did not renew their forester licenses for 2001:

Karen L. Brunette
Bryan C. Buchanan
Thomas J. Cielinski
Donald E. Darling, Jr.
Craig J. Davis
Bruce A. Francis
Milton E. Hartley, Jr.
David B. Hatton
John R. Hinkley
Jan R. Kamp
Charles A. Keeley
Bradford Kites
Robert W. Locke
Sandra P. MacGowen
Sean F. O'Connor
Joseph D. Pitcherelle
Ralf Platte
Steven E. Reynolds
Linwood B. Rideout
John D. Scales, Jr.
Norman L. Scott
Donald H. Shorey
Wilson W. Stewart
Alan R. Strobbridge

Some of the above persons are known to have retired from active practice. Others may have moved or are no longer employed

in forestry. Others may simply have neglected to renew their licenses.

If you know any of these people and they are practicing forestry, suggest to them that they contact the Licensing Board immediately. If you employ a person whose name is listed above, that person is no longer licensed to practice forestry in Maine unless doing so under the direct supervision of a licensed forester. Unfortunately, relicensing will require taking the exam.

Other Board Business

The Board held an election of officers at the March 19, 2001 meeting. Officers remain the same as for 2000. Carol Redelsheimer was reelected as Board Chair and Steve Holt as Vice-Chair. Bill Ostrofsky is secretary and Rene Noel is the complaint officer.

The election of officers was postponed from the January meeting pending reappointment by Governor King of Board members Carol Redelsheimer and Rene Noel whose terms had expired. The Public Member position on the Board is still vacant. The last Public Member, Irene Belanger, resigned before actually serving. The Public Member position has effectively been vacant since the death of Stuart Hymers.

The schedule of Board meetings for the remainder of 2001 is as follows: June 25, July 16, September 25 and November 8. The June 25th meeting is a special meeting to discuss rules and rulemaking. All licensees are welcome to attend. (See enclosed letter from Board Chair Carol Redelsheimer).

The next licensing exam is scheduled for September 10, 2001. Anyone wishing to take that exam must be approved by the Board at the July 16th meeting. Test applications must be received by the Board Clerk no later than 2 weeks before the exam date.

The last exam was given on April 11, 2001. Ten persons took the exam, eight passed and two failed.

The Board has adopted a new test policy. As in the past, one Board member will make up the written exam from the Board's question bank and grade the exam. However, another Board member will actually over-see the exam. In this manner, the Board member grading the exam will not have met or known the identity of any of the test candidates.

The above policy change was adopted as the result of a comment from an earlier test candidate whose test was proctored and graded by a Board member who worked for the same company as the test candidate.

There are currently two complaints before the Board. One is under investigation and the other is to be scheduled for a hearing. A third complaint was dismissed.

A license fee increase is likely in the future for licensed foresters. Registered interns will also be charged a fee. The Board's expenses currently are roughly equal to income. The Board is required to have a cash reserve of 50% of anticipated expenses. The only way to increase the Board's revenue is to raise license fees.

Fellow Foresters,

By now you should be aware that your licensing board introduced legislation to the 120th Legislative session, which proposed several changes to our existing statute. (See Winter 2001 Newsletter.) The legislation, as amended by the Business & Economic Development Committee, has been passed by both the House and the Senate and at this writing is awaiting Governor King's signature.

Several substantive changes were made:

- A degree in forestry (A.S., B.S., M.S. or PhD.) will be required for licensure. The new statute does specify a variance procedure for applicants who cannot meet the education requirements. Individuals now pursuing - or anticipating embarking on - the *current* experience track to licensure must register that intent with the Board prior to April 30, 2002. Individuals who do not register such intent might be able to qualify for licensure under the new variance process. Specifics of the variance process will be defined in major substantive rule making. (See below.)
- All applicants for licensure will now be required to complete 24 or 48 months of practice as an Intern Forester, depending on their educational background. The only exemptions will be for an applicant who has lawfully practiced forestry in another jurisdiction for the requisite period of time within 6 years prior to application. Intern Forester licenses must be renewed annually and IFs must complete continuing education requirements. A fee will be charged for the IF license. We *anticipate* it will be the same as for a Forester's license.
- Unlicensed individuals are still allowed to practice forestry under the supervision of a licensed forester. Foresters or companies who wish to employ unlicensed individuals to assist in their practice of forestry will, however, be required to register with the Board. (This simply legalizes the accountability licensees are repeatedly told us they wish to have when supervising unlicensed individuals.) The specifics of the registration process will be developed as part of major substantive rule making.

The new statute maintains the right of an individual landowner to practice forestry on land owned by that individual, without a license.

Complete text of the new statute can be found on the Maine State website (www.state.me.us).

The Board now moves on to rule making. There will be two processes- the variance rule and the registration-to-supervise-unlicensed-individuals rule will be major substantive rule making, which means both rules must be approved by the Legislature. (Look for more information about legislative hearings in the next newsletter.) Other rule changes will be part of routine technical rule making, which is a public process that allows formal testimony, but which does not require legislative approval.

The Board has already begun a review of current rules to identify changes needed pursuant to statutory changes, as well as other changes that may be appropriate at this time. We have scheduled an additional Board meeting to discuss rules on Monday June 25, 2001 at the Gardiner Annex. The meeting will begin at 8:30 a.m. As are all Board meetings, it will be a public meeting. Although public attendees will not be allowed specifically to participate in Board discussions, time will be allocated for anyone present to provide input relevant to the topics under discussion. (Comments may oppose, support or add depth to perceived Board positions.) Additionally, you are, *as always*, encouraged to provide input via letter, fax, e-mail or telephone. (Please note that written input is most helpful since it can be shared verbatim with all Board members - but don't let this stop you from telling us what you think, via whatever means is most convenient. Board member contact information can be found on the back page of this newsletter.)

Formal testimony on the proposed rules will be taken as part of the public hearing process, the dates of which are not yet scheduled, although we expect it *may* be in late summer. As with any public hearing, testimony in favor is weighed equally with testimony in opposition. Clearly the Board recognizes that some will oppose and some will favor the proposed changes and we fully support your right to either position.

Finally, we extend our appreciation to everyone who contributed ideas, time and energy to this process over the past several years. Again, we encourage you to keep in touch with the Board - through letters, phone calls or attendance at Board meetings. Remaining 2001 regular meetings are scheduled for July 16, September 25 and November 8, but remember to call 624-8515 to verify the date and time of these meetings. The rules discussion will take place June 25th at the Gardiner Annex. We hope that all 869 (at current count) of you will take time to articulate your position during the rule-making process.

Sincerely,

Carol L. Redelsheimer
Board Chair

CFE Audit

The Board recently audited license renewals to be sure foresters are properly earning and reporting Continuing Forestry Education (CFE) credits as required for license renewals. Two percent of all license renewals were selected by a random number generator for review. Licensees whose renewals were selected for review were asked to submit CFE documentation. The Board reviewed the documentation.

All renewals reviewed passed muster. However, there were a couple of concerns raised from this audit. The first concern was that in many instances, course work reported under Category 1 should have been reported under another category. Category 1 includes only courses specifically related to forestry or forestry related matters. A minimum of 4 credit hours must be earned in Category 1 in the two year reporting period.

The second concern was adequate documentation. In some cases in the recent audit, only a certificate of attendance or completion was provided. Better documentation should include course outlines, programs or agendas which show the subject matter in addition to certificates or diplomas. Other documentation might include a letter, canceled check or name tag (evidence of attendance). Finally, if in doubt about sufficient documentation, ask the sponsoring organization for a signed statement showing attendance and subject matter.

If CFE credits are not listed for the course you attended, the number of credits can be easily calculated. College level course work, SAF or ACF meetings all qualify at the rate of one credit hour per hour of instruction and one half credit per hour for field tours. The time allotted for coffee or lunch breaks should not be included in the calculation of hours for credit. Licensees should keep all CFE documentation for four years.

Upcoming Courses for CFE

The following workshops are being offered and sponsored by the Office of Professional Development, University of Maine, Orono:

- June 19, 2001 "Hazard Tree"
- June 26, 2001 "Hardwood Log Grading & Scaling"
- June 28, 2001 "Silviculture in Ice Storm Damaged Stands"

For more information, contact T.J. Dragon, (207)581-2896; FAX:(207)581-4976.

E-mail:bohan@umenfa.maine/edi or Web site:<http://www.forest-resources.umaine.edu/opd>.

Appeal Denied

Following an April 26, 2000 adjudicatory hearing, the Board found and concluded that licensee Eugene Putnam violated Board rules governing the conduct of licensed professional foresters (see Summer 2000 newsletter). Mr. Putnam appealed the decision. The matter was heard by the Administrative Court. Mr. Putnam represented himself in the appeal. The Administrative Court denied Putnam's appeal. Mr. Putnam did not appeal to a higher court so the Board's Decision and Order stands.

License Numbers

There has been a steady but slight decline in the number of Maine licensed foresters over the last 10 years. The current number of Maine licensed foresters is now 840, down from 856 in April 2000. There are now 31 active registered forester interns (all time high), up from 24 a year ago. In 1990, there were 1044 foresters licensed to practice in Maine.

Obituary

Mark A. Michard of Ashland died on June 29, 2000 at age 52. Mark was a 1970 graduate of UMO. He was an avid sportsman and veteran of Vietnam. He worked for local contractors, Pinkham Lumber Co. and Great Northern Paper Co. Most recently he had been employed as a forester by James W. Sewall Co.

Maine Board of Licensure for Professional Foresters

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